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2 A Limited Liability Partnership
3 Including Professional Corporations
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11 Attorneys for Defendant,
12 THE COLONIES-PACIFIC 19C, LLC

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

TERESA HICKS, an individual,

Case No.

Plaintiff,

**NOTICE OF REMOVAL OF
ACTION TO FEDERAL COURT**

v.

THE COLONIES-PACIFIC 19C, LLC,
a California limited liability company;
and DOES 1-10, inclusive,

San Bernardino County Superior Court
Case No.: CIVSB2132271

Defendants.

Action Filed: November 17, 2021
Trial Date: None Set

1 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT,**
2 **CENTRAL DISTRICT OF CALIFORNIA:**

3 **PLEASE TAKE NOTICE** that defendant The Colonies-Pacific 19C, LLC,
4 (“Defendant”) hereby removes to this Court the state court action described below:

5 **I. FILING AND SERVICE OF THE COMPLAINT.**

6 1. On November 17, 2021, plaintiff Teresa Hicks (“Plaintiff”)
7 commenced an action in the Superior Court of the State of California for the County
8 of San Bernardino, Case Number CIVSB2132271 by filing a Complaint entitled
9 *“Teresa Hicks, an individual v. The Colonies-Pacific 19C, LLC, a California*
10 *limited liability company; and; and DOES 1-10”*

11 2. Plaintiff served the Complaint on Defendant on March 23, 2022. True
12 and correct copies of the Summons and Complaint and all other documents are
13 attached hereto as Exhibit “A”. Defendant has not yet responded to the Complaint.
14 To Defendant’s knowledge, no other defendant has been served or named. *See*
15 *Salveson vs. Western States Bankcard Ass ’n*, 731 F.2d 1423, 1429 (9th Cir. 1984)
16 (defendant need not join in or consent to the notice of removal if the nonjoining
17 defendant has not been served with process in the state action at the time the notice
18 of removal is filed.).

19 **II. THIS COURT HAS FEDERAL QUESTION JURISDICTION.**

20 3. This action is a civil action for which this Court has original
21 jurisdiction pursuant to 28 U.S.C. § 1331 and is one which may be removed
22 pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1443, in that it appears from the
23 Complaint that Plaintiff has filed a civil rights action, and his claims are founded on
24 a claim or right arising under the laws of the United States.

25 4. More specifically, it appears from the Complaint that this is a civil
26 rights action alleging violations of the Americans with Disabilities Act, 42 U.S.C. §
27 12182 *et seq.* (Complaint ¶¶1, 16, 20, 21, 24 and 31-48).

III. THIS NOTICE OF REMOVAL IS TIMELY AND PROPERLY FILED.

5. The filing of this Notice of Removal is filed within the time period required under 28 U.S.C. § 1446(a).

6. Defendant will give written notice of the filing of this Notice of
5 Removal to all adverse parties as required by 28 U.S.C. § 1446(d) and will file a
6 copy of this Notice of Removal within the law division of the Superior Court of
7 California, County of San Bernardino, as further required by that Section.
8

9 7. Venue is proper in this Court because the action is being removed from
10 the Superior Court in the County of San Bernardino.

11 8. The undersigned counsel for Defendant has read the foregoing and
12 signs the Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil
13 Procedure, as required by 28 U.S.C. § 1446(a).

14 WHEREFORE, Defendant prays that the above action now pending against it
15 in the Superior Court of the County of San Bernardino be removed to this Court.

16 || Dated: April 22 2022

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By _____ */s/ Gregory F. Hurley*
GREGORY F. HURLEY

Attnorneys for Defendant,
THE COLONIES-PACIFIC 19C, LLC